THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28101 of 1998

ORDER:

The grievance of the petitioner is that though he obtained loan from the second respondent-Society and there are some dues payable by him, the respondents, without issuing any notice or without conducting any enquiry into the matter, are proposing to auction his lands.

No counter is filed by the respondents. In view of the assertions made by the petitioner that no notice of any kind was issued to him and without there being any demand, the respondents directly issued the auction notice, I am of the considered opinion that the action of the respondents in putting the property of the petitioner for sale without any demand or without issuing any notice, is in gross violation of principles of natural justice, arbitrary and illegal.

In view of the same, the impugned proceedings are liable to be set aside and accordingly set aside. However, the respondents are at liberty to proceed with the matter as per law after putting the petitioner on notice and seeking his explanation, if necessary, in this regard. The amounts paid by the petitioners pursuant to the directions of this Court in W.P.M.P.No.34206 of 1998 dated 8.10.1998 shall be subject to further orders to be passed by the authorities in this regard.

The writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU, J

Date: 18.7.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28101 of 1998

18.7.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28101 of 1998

Dated: 18th July, 2006

Between:

Mandalapu Satyanarayana & others.

.. Petitioner

and

The District Cooperative Central Bank
Ltd., rep. by its Sale Officer,
Chintalapudi Branch, West Godavari district &
Another.

.. Respondents